

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

OLUFEMI NATHANIEL ITIOWE,

Defendant.

21-cr-336 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The defendant, Olufemi Itiowe, moves for a reduction in his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines on the grounds that his Guidelines Sentencing Range should be reduced under the amended Section 4C1.1 of the Guidelines because he allegedly has zero Criminal History points. ECF No. 105. However, the Pre-Sentence Report and the Supplemental Pre-Sentence Report correctly calculated that the defendant had one criminal history point as a result of a plea of guilty to a charge of money laundering in the Western District of Texas in April, 2022, for which the defendant had not yet been sentenced when the defendant was sentenced in this case in February 2023. See Supplemental Pre-Sentence Report ("Supplemental PSR") at ¶ 57. The defendant argues that one criminal history point should not be added for that guilty plea because the conduct at issue was relevant conduct for the offense for which he pleaded guilty in this case. However, the

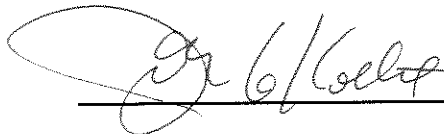
conduct at issue in the defendant's guilty plea in Texas was not relevant conduct for the defendant's conviction in the current case. The conduct in the Texas case involved a different scheme with different co-conspirators and involved an intended loss of over \$1,300,000. Id. That loss was not included in the loss for purposes of the current conviction, which was estimated at \$343,000. Id. ¶ 47. Therefore, the defendant does not qualify for a reduction in his sentence based on Amendment 821 and U.S.S.G. § 4C1.1.

CONCLUSION

The Court has considered all of the arguments raised by the parties. To the extent not specifically addressed above, the arguments are either moot or without merit. For the reasons explained above, the defendant's motion for a sentence reduction pursuant to Amendment 821 is **denied without prejudice**. The Clerk is directed to close all pending motions.

SO ORDERED.

Dated: New York, New York
March 14, 2024



John G. Koeltl
United States District Judge